

## REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action mailed August 30, 2004. Claims 1-17 are pending in the application, Claims 1, 7 and 11 having been amended herein.

Claims 1, 3-7, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chesley (U.S. Patent No. 3,738,480). It is respectfully submitted that claims 1 and 7, as amended herein, are allowable over Chesley.

It is respectfully submitted that Chesley fails to show, teach or suggest independent claims 1 and/or 7.

Independent claim 1 presently recites a coding system for use in conjunction with a series of applicable products including, *inter alia*, ***indicia on each product of said series of products, the indicia including time indicia and sequence indicia***, said time and sequence indicia providing a user of said product with a time and a sequence of use of said series of products, said time indicia disposed on a surface of each product of said series of products, said time indicia indicating to said user a portion of the day for using each product of said series of products and thereby enabling said user to select a group of products from said series of products having a common time indicia disposed thereon; and said sequence indicia disposed on a surface of each product of said series of products, said sequence indicia indicating to said user an order of using each product of said selected group of products during said portion of the day, thereby enabling said user to use said group of selected products in said order.

Chesley discloses a medication container having a number of compartments (12) including either a sequence indicia (20), as shown in FIGS. 2 and 7, or a time indicia

(18A as identified in the Office Action), as seen in FIG. 4A. Chesley fails to teach and/or suggest indicia on each product of said series of products, wherein the indicia includes time indicia and sequence indicia, as called for in claim 1.

It is therefore respectfully submitted that, in view of the amendments made to claim 1 herein, and in view of the arguments presented above, that claim 1 is allowable over Chesley. Since claims 3-6 depend, directly or indirectly, from claim 1, and contain all of the features of claim 1, for the reasons presented above regarding the patentability of claim 1, it is respectfully submitted that claims 3-6 are also patentable over Chesley.

Independent claim 7 recites a coding system associated with a series of applicable products for performing a coordinated treatment, wherein *each applicable product is contained in an independent discrete container*, the coding system including, *inter alia*, indicia on each container, *the indicia providing a user of said series of applicable products with a time and a sequence of use of selected products of said series of products*, wherein said indicia is associated with each product of said series of products.

It is respectfully submitted that Chesley fails to teach and/or suggest applicable product contained in independent discrete containers, as recited in claim 7. In particular, Chesley discloses a single body (10) having a plurality of cup-shaped members (11) formed therein, each cup-shaped member defining a medication storage compartment (12). In other words, as seen and described in Chesley, each cup-shaped member (11) is joined to one another defining a single body (10).

It is therefore respectfully submitted that, in view of the amendments made to claim 7 herein, and in view of the arguments presented above, that claim 7 is allowable over Chesley. Since claims 9 and 10 depend, directly or indirectly, from claim 7, and

contain all of the features of claim 7, for the reasons presented above regarding the patentability of claim 7, it is respectfully submitted that claims 9 and 10 are also patentable over Chesley.

Claims 11-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kerpe (U.S. Patent 4,318,477). It is respectfully submitted that claim 11, as amended herein, is allowable over Kerpe.

It is respectfully submitted that Kerpe fails to show, teach or suggest independent claim 11.

Independent claim 11 recites, *inter alia*, a method of coordinated treatment using a series of products *contained in a plurality of independent discrete containers*, including the steps of providing time indicia on each container of said series of products; providing sequence indicia on each container of said series of products; *selecting a group of containers from said series of products having a common time indicia relating to said determined time of day*; and using said products from said selected group of containers having the common time indicia for said portion of the day in a sequence according to said sequence indicia.

Kerpe discloses a single pharmaceutical package (10) including a series of containers (14) defining a receptacle (15) which has an interior concave well (16). Since all of containers (14) are connected to one another, an individual can not select a group of containers from said series of products having a common time indicia relating to said determined time of day, as recited in claim 11.

It is therefore respectfully submitted that, in view of the amendments made to claim 11 herein, and in view of the arguments presented above, that claim 11 is allowable

over Kerpe. Since claims 12-17 depend indirectly from claim 11 and contain all of the features of claim 11, it is respectfully submitted that claims 12-17 are also allowable over Kerpe.

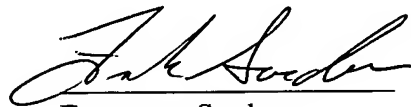
In view of the amendments made to the claims herein, and in view of the remarks/arguments presented above, it is respectfully submitted that each of the rejections raised by the Examiner in the present Office Action have been overcome.

It is respectfully submitted that none of the references of record, considered individually or in any proper combination, disclose or suggest the present invention as claimed.

Should the Examiner believe that a telephone interview may facilitate resolution of any outstanding issues, the Examiner is respectfully requested to telephone the applicant's attorney at the number indicated below.

An early and favorable action on the merits is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francesco Sardone', written over a horizontal line.

Francesco Sardone  
Registration No. 47,918  
Attorney for Applicant(s)

**CARTER, DELUCA, FARRELL & SCHMIDT, LLP**  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Tel (631) 501-5700  
Fax (631) 501-3526  
DMC/FS